

January 29, 2009

Washington, D.C. -- U.S. Reps. Rush Holt (D-NJ) and Frank Pallone, Jr. (D-NJ) today sent the following letter to the U.S. Department of Agriculture, requesting an investigation into the bird culling incident in Somerset County, New Jersey.

Ms. Cindy Smith    Acting Under Secretary, Marketing and Regulatory Programs    U.S.  
Department of Agriculture

1400 Independence Avenue, S.W.

Washington, D.C. 20250

Dear Acting Under Secretary Smith:

We are writing to you on behalf of distressed constituents from central New Jersey who experienced the aftermath of a bird culling incident that was implemented in the vicinity of Franklin Township without advance notice to township officials or guidance to the local residents. We are requesting an investigation about the incident, and in hopes that procedures will be developed and implemented in the future to ensure that similar incidents do not recur.

According to news reports in *The Star Ledger*, what might otherwise have been a routine bird culling undertaken by the U.S. Department of Agriculture (USDA) to protect livestock at a farm in Somerset County, New Jersey, instead resulted in fear and confusion among nearby residents because of the lack of advance warning and guidance. It is our understanding that the culling was in response to 3,000-5,000 starlings that were eating animal feed, contaminating the area with droppings, and causing a potential health hazard.

Yet due to a lack of communication from the USDA, local residents, including children playing outside, found themselves suddenly surrounded by hundreds of dead birds. One resident even reported "birds falling straight from the sky, their wings still as they came down like rocks." In

these days of pandemics and avian influenza and feed contamination, being confronted with a sight like that with no advance warning could have provoked any number of excited and dangerous reactions for the public.

Compounding the lack of advance notice was the fact that it took township officials days to obtain any useful information about the incident to share with concerned residents. While the incident began sometime on Friday January 23, 2009, as of Monday January 26, 2009, Franklin Township Manager Ken Daly had been unable to find out what substance had been used and whether or not the birds were safe to handle.

Only after our intervention did the USDA explain what had caused the incident, identified the product used, included a statement indicating that it would be safe to handle the dead birds, and provided contact information for people who wanted additional assistance. By then, Manager Daly had already developed a plan under which residents could call the Health Department to have the birds collected.

This incident could have and should have been avoided altogether. We request that you conduct an investigation about this incident and respond to us with a report summarizing why local officials were not provided with advance notice, were not responded to promptly with accurate and helpful information that would have enabled them to respond to concerned residents, and why residents were – at least initially – expected to dispose of the birds themselves.

In addition, in the future, we would urge you to implement such policies as may be necessary to ensure that guidance be given to municipal officials in the possible vicinity of impact to enable them to prepare citizens.

We request your prompt attention to this matter, and we look forward to hearing from you soon. If you or any member of your staff should need any additional information, please do not hesitate to contact us.

Sincerely,

RUSH HOLT

FRANK PALLONE

Member of Congress

Member of Congress